

# EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF WEST VIRGINIA**

DIANA MEY, individually and on behalf of a  
class of all persons and entities similarly  
situated,

Plaintiff,

vs.

Civil Action No. 5:14-CV-123

Judge Bailey

VENTURE DATA, LLC,

Defendant.

**PLAINTIFF'S FIRST SET OF DISCOVERY REQUESTS TO DEFENDANT**

Plaintiff Diana Mey requests that defendant Venture Data, LLC (hereinafter "Venture Data") respond to the following requests.

Throughout this request:

1. Unless otherwise states, all definitions should be taken from LR Civ P 26.02, and if not included therein, should be responded to according to their ordinary meaning.
2. Unless otherwise specified in a particular paragraph, the time period covered by this request is four years prior to the filing of the Complaint in this action through the time that the response is provided.
3. If any document requested was, but no longer is, in your possession or subject to your control, please state: (a) the date of its disposition; (b) the manner of its disposition (e.g., lost, destroyed, transferred to a third party); and (c) an explanation of the circumstances surrounding the disposition of the document.
4. All requests are also directed to all parent, related, affiliate and subsidiary companies of defendant, to the greatest extent permissible under the discovery rules. Moreover,

defendant is to make transparent, best efforts to obtain materials from third parties such as vendors, which are within their "possession, custody or control" as those terms appear in Fed. R. Civ. P. 34.

5. "Communication" includes every manner or means of disclosure, transfer, or exchange of information, and every disclosure, transfer or exchange of information, whether orally or by document or whether face-to-face, by telephone, mail, personal delivery, or otherwise.

6. "TCPA" means the Telephone Consumer Protection Act, 47 U.S.C. § 227, implementing regulations 47 C.F.R. 64.1200, and all valid FCC rulings and opinions interpreting such.

7. To the extent any paragraph is objected to, please set forth all reasons for your objection.

8. If you prefer, you may provide legible copies of document that reflect all markings, notations, and highlighting on the originals.

9. The singular includes the plural number, and vice versa. The masculine includes the feminine and neuter genders. The past tense includes the present tense where the clear meaning is not distorted by change of tense.

10. To the extent that any document cannot be furnished, such documents as are available shall be supplied, together with a description of the documents not furnished and the reason for not furnishing them.

11. "And" and "or" shall be interpreted to mean "and/or," so that said terms are given their broadest possible meaning.

**Request for Production of Documents**

**Request No. 1:** Documents that identify all outgoing calls for the set described below, including to plaintiff.

All persons in the United States who, within four years prior to the filing of this action through the date of this response, Defendant or some person on Defendant's behalf called on a cellular telephone.

If you contend that you do not have the ability to scrub the telephone calls you made for cellular telephone numbers, please provide all records of telephone calls made, so that the Plaintiff may do the same.

Response:

**Request No. 2:** All documents sent to or received from the FTC, any State Attorney General, or other government entity, relating to allegations of unlawful telemarketing.

Response:

**Request No. 3:** All documents relating to complaints made to Venture Data, or to any individual or entity retained by Venture Data relating to telephone calls made by Venture Data.

Response:

**Request No. 4:** All documents concerning responses to complaints made by Venture Data, or to any individual or entity retained by Venture Data relating to telephone calls made by Venture Data.

Response:

**Request No. 5:** All documents concerning internal investigations conducted by Venture Data concerning complaints regarding alleged violations of the TCPA.

Response:

**Request No. 6:** All documents concerning legal demand letters, informal complaints, formal lawsuits, and all government enforcement actions or investigations brought against Venture Data or any individual or entity retained by Venture Data related to telephone calls.

Response:

**Request No. 7:** All documents referred to in, identified in, or that provide part or all of the basis for your responses to any Interrogatory propounded by the Plaintiff.

Response:

**Request No. 8:** All documents, records, data, recordings and other materials relating to plaintiff or her telephone number.

Response:

**Request No. 9:** All documents related to the equipment used to make the telephone calls identified in response to Request for Production No. 1. This includes, but is not limited to, manuals, evaluations and internal correspondence regarding the equipment.

Response:

**Request No. 10:** All documents that identify the source of telephone numbers your company obtained for the purposes of telemarketing, and all communications with that company.

Response:

**Request No. 11:** All documents that support any of the affirmative defenses asserted in your Answer. This includes, but is not limited to, any assertion that the recipients of your telephone calls provided their prior express consent to receive such calls.

Response:

**Request No. 12:** All insurance policies that could possibly afford any coverage with respect to the matters complained of in this case together with all correspondence discussing, accepting or declining coverage or reserving rights with respect thereto.

Response:

**Request No. 13:** All documents received from third parties that relate to this case, without regard to time. Responsive materials would include, for example, responses to subpoenas.

Response:

### **Interrogatories**

1. Provide the following information related to any of the telephone campaigns produced in response to Document Request No. 1:

- a. Identifying information for the person you were trying to reach (e.g., name, business name, address, email, fax number, all phone numbers);
- b. Identification of the equipment, third party, and/or software used to make the call (e.g., Avatar, ytel, Five9, Guaranteed Contacts, Aspect, Avaya), and the location of the call origination/dialer;
- c. The source(s) where you obtained the telephone number called, including the nature of such relationship and the facts and circumstances surrounding such; and
- d. Any writing that shows that person's permission or consent to receive calls;

Response:

2. Please identify by name, address, company name, telephone number and all other contact information in your possession, custody or control, the individual or entity that physically dialed the calls to the Plaintiff alleged in her Complaint and identify their job responsibilities.

Response:

3. Please identify the person or persons responsible for receiving, maintaining, investigating, and responding to complaints submitted to Venture Data relating to any investigations related to TCPA violations and identify the individual responsible for initiating disciplinary measures against the responsible party.

Response:

4. Please identify the person or persons responsible for training Venture Data employees, and any individual or entity they retain for using a dialer to send telephone calls as well as in regard to compliance with telemarketing laws.

Response:

5. If any of your responses to any of the below Requests for Admission is anything other than an unqualified “admitted” response, please explain the basis for your answer.

Response:

### **Requests for Admissions**

**Request No. 1:** Admit that Venture Data placed telephone calls to the Plaintiff on the dates alleged in her Complaint.

Answer:

**Request No. 2:** Admit that the calls to the Plaintiff were authorized by Venture Data.

Answer:

**Request No. 3:** Admit that prior to the filing of the Complaint in this action you received consumer complaints arising from your telephone activities.

Answer:

**Request No. 4:** Admit that you have no written consent from the Plaintiff to place telemarketing calls to her.

Answer:

Plaintiff,  
By Counsel.

s/ John W. Barrett  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 27th day of January, 2015, I served a true and correct copy of “Plaintiff’s First Set of Discovery Requests to Defendant” upon the following by U.S. Mail and that the Certificate of Service was filed with the Clerk of Court using the CM/ECF system, which will send notification to counsel of record.

Jeffrey A. Holmstrand  
Flaherty Sensabaugh & Bonasso PLLC  
1225 Market Street  
P.O. Box 6545  
Wheeling, WV 26003

/s/ John W. Barrett  
John W. Barrett

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